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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

CELESTE BARRAS,)
Plaintiff,)
v.)
HEALTHSOUTH MEDICAL CLINICS OF)
ANCHORAGE, LLC & U.S.)
HEALTHWORKS HOLDING CO., INC.,)
Defendants.)

Case No. A05-0174-CV (JWS)

**DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION
FOR TERMINATING SANCTIONS, OR ALTERNATIVELY, FOR AN ORDER BARRING
INTRODUCTION OF EVIDENCE AND FOR ADDITIONAL MONETARY SANCTIONS
FOR PLAINTIFF'S WILLFUL DISCOVERY VIOLATIONS**

Defendants HealthSouth Medical Clinics of Anchorage, LLC and U.S. Healthworks Holding Co. Inc. (collectively "Defendants"), by and through their counsel of record, hereby reply to Plaintiff Celeste Barras' ("Barras") opposition to its motion for litigation-terminating sanctions in the form of an

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order dismissing her lawsuit for willful and continuous discovery violations or, alternatively, for an order barring introduction of evidence not timely furnished during discovery and for further monetary sanctions.

Barras was initially ordered to provide her disclosures by July 5, 2006. The Court granted her request for a fifteen (15) day extension and ordered her to comply by July 20, 2006. After Barras failed to comply or to contact defense counsel to advise of further delay, Defendants filed the above referenced motion on July 26, 2006. On July 31, 2006, Barras filed an opposition to Defendants' motion. Also on July 31, 2006, Barras hand-delivered her FRCP 26 disclosures to defense counsel.

Barras' motion alleges "*obstruction of justice*" by Defendants due to their counsel's knowledge of the applicable rules. In granting Barras' motion to represent herself, this Court suggested Barras familiarize herself with the applicable procedural rules. The rules do not allow a party to simply ignore a Court-imposed due date.

Barras' other ground for opposing Defendants' motion is that defense counsel is allegedly "*using excessive force and power*" than used with Barras' prior counsel. Defendants disagree. Rather, Defendants are engaging in motion practice

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allowed under the Federal civil rules, which provide for court-imposed monetary and other sanctions for discovery failure/abuse.

Defendants waive their request for litigation-ending sanctions or for the preclusion of documentary evidence at trial based upon Barras' untimely July 31, 2006 Rule 26 disclosures. However, in light of her untimely response with no advance warning that her disclosures would be late, the Defendants request the Court order Barras to reimburse them for the fees and costs incurred in bringing the motion.

DATED at Anchorage, Alaska, this 1st day of August 2006.

s/ Patricia A. Vecera
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Certificate of Service

I hereby certify that on August 1, 2006, a copy of the foregoing Defendants' Reply to Plaintiff's Opposition to Motion for Terminating Sanctions was served on M. Celeste Barras, 160 Ocean Park Drive, Anchorage AK 99515-3401, by regular U.S. mail.

s/ Patricia A. Vecera

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